

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:09CR3117
)	
v.)	
)	
MARCUS SHORT,)	TENTATIVE FINDINGS ON OBJECTIONS
)	TO REVISED PRESENTENCE
Defendants.)	INVESTIGATION REPORT
)	

The defendant has objected to paragraphs 19, 33, 38, 40, 42, and 75 of the Revised Presentence Investigation Report. All the paragraphs to which objection has been made, except paragraphs 19, 33, 42, and 75 are paragraphs showing computations and will be effected only by a sustaining of the objections in paragraphs 19, 33, 42 and 75.

Objections to paragraphs 19 and 33 challenge the assessment of “possessing a dangerous weapon” or “brandishing and possessing a dangerous weapon.”

Objection to paragraph 42 challenges the one-point assessment for shoplifting for which the defendant was sentenced on February 24, 2005.

Objection to paragraph 75 has to do with the defendant’s guideline range, based on a criminal history category IV and a total offense level of 25.

Because the United States has the burden of proving the charges described in paragraphs 19 and 33 and 42, an evidentiary hearing will be held on those three paragraphs at the time of the sentencing.

Otherwise, the Revised Presentence Investigation Report is tentatively found to be true and accurate, subject only to computational adjustments.

Objections to these tentative findings may be made at the time of the sentencing hearing, but no evidence regarding them shall be received.

Dated June 24, 2010.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge